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Attorneys for Ralph C. Dawson, as Receiver for Defendant Ascot Partners, L.P., and Ascot Fund Ltd.

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:

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Adv. Proc. No. 08-01789 (SMB)

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

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SIPA LIQUIDATION

(Substantively Consolidated)

Debtor.

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PERTAINS TO THE FOLLOWING CASE:

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IRVING H. PICARD, Trustee for the
Liquidation of Bernard L. Madoff Investment
Securities LLC,

$$\vdots$$

Plaintiff,

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Adv. Proc. No. 09-1182 (SMB)

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J. EZRA MERKIN, GABRIEL CAPITAL,
L.P., ARIEL FUND LTD., ASCOT
PARTNERS, L.P., ASCOT FUND LTD.,
GABRIEL CAPITAL CORPORATION,

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Defendants.

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**NOTICE OF MOTION *IN LIMINE* TO EXCLUDE OTHERS' PURPORTED
SUSPICIONS ABOUT MADOFF NOT EXPRESSED TO DEFENDANTS**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of Defendants' Motion *in Limine* to Exclude Others' Purported Suspicions About Madoff Not Expressed to Defendants, the Declaration of Judith A. Archer, dated April 7, 2017, and the exhibits thereto, and all pleadings, papers and proceedings filed in this action, Defendants Ascot Partners, L.P., through its Receiver, Ralph C. Dawson, Ascot Fund Ltd., J. Ezra Merkin and Gabriel Capital Corporation, shall move this Court for an Order excluding evidence regarding others' suspicions of Bernard L. Madoff or Bernard L. Madoff Investment Securities, Inc. that were not expressed to Defendants, pursuant to Federal Rules of Evidence 401 and 403, made applicable to this adversary proceeding by Federal Rule of Bankruptcy Procedure 9017.

PLEASE TAKE FURTHER NOTICE that a hearing on the Motion will be held before the Honorable Stuart M. Bernstein, United States Bankruptcy Judge, at a date and time as scheduled by the Court, at the United States Bankruptcy Court, Southern District of New York, One Bowling Green, New York, New York 10004-1408.

PLEASE TAKE FURTHER NOTICE that answering papers, if any, to the Motion shall be filed with the Bankruptcy Court no later than May 10, 2017, and reply papers, if any, shall be filed with the Bankruptcy Court no later than June 6, 2017.

Dated: April 7, 2017
New York, New York

NORTON ROSE FULBRIGHT US LLP

By: /s/ Judith A. Archer
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